

IN The Circuit Court Randolph County Alabama

Billy Gay AHS
V

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Interlocutory Appeal

From CC-90-7.60 - 8.60

STATE OF ALABAMA

2006 JUL 25 A 9:32

APP NO. CR-05-1953

U.S. DISTRICT COURT

MemORANDUM BRIEF IN SUPPORT
OF the Interlocutory Appeal

Billy Gay AHS (AHS) does now AVER that the Following
FACT AND LAWS do clearly SUPPORT his CLAIM that
The ERRONEOUS ILLEGAL ACTION by RAY MARTIN (MARTIN)
IS NOT NOW NOR CAN it ever be CONSIDERED A FINAL
IN this CASE.

FACT & LAWS

1. This instant CAUSE Rule 32 Petition WAS Filed ON APRIL 11, 2005
AND ASSIGNED to the trial Docket OF Judge Tom F. Young JR.
(Young).

2. ON APRIL 26, 2005 Judge Young ISSUED AN ORDER
GRANTING AHS motion to PROCEED IN FORMA PAUPERIS
AND INSTRUCTED THE CLERK to serve this petition ON
THE PROSECUTOR.

3. AS FURTHER PROOF THAT THIS CASE WAS ON YOUNG TRIAL
DOCKET see EXPART AHS CR-CU-2427 AIA APP-9-6-05
ALSO EXPARTE AHS 1050149 SUP. CT 11-9-05 WHERE IN
Judge Tom Young JR. IS NAMED AS PRESIDING
JUDGE

ALLS Would Also Present that the Action by Martin Violates The very Rule of the Judicial System of the State of Alabama Rule of Practice And Assignment of Judge see EX PARTE Kirby 784 So 2d 290 (2000) Also Williams V STATE 175 So 697, 27 AIA APP 525 the Rule ARE To INSURE AN ORDERLY Administration of Justice by The Judicial System.

The IMPROPER UNPROFESSIONAL Action by MARTIN INTERFERENCE in Judge young TRIAL Docket.

IS This Not A total Dis REGARD of the very OATH of office & the Constitution of Both Alabama And the United State? see COOPER V Aaron 358 US 1 78 Sct 1141 Also Scherer V Rhodes 416 US 232, 94 Sct 1683, Plus see 15-12-21(e) Code of AIA 1975 EXPART BUSH 796 So 2d 383; EXPARTE GALANOS 796 So 2d 390.

ALLS does Also state that the Circuit Clerk has Committed A GROSS ERROR in the Document she Filed with the Court of CRIMINAL APPEAL by Either ACCIDENTALLY OR INTENTIONALLY Listing RAY MARTIN AS the Judge in this instant CAUSE Notice of ERROR Filed by ALLS on 7-21-05 with A Copy to All PARTIE being ~~mailed~~ mailed

ALLS AVERS THAT PURSUANT TO THE CONSTITUTION OF BOTH THE STATE AND THE U.S. THE ACTION BY MARTIN VIOLATE THE VERY RIGHT OF DUE ~~PROCEE~~ AND EQUAL PROTECTION BY LAWS.

MARTIN ACTION WITH IN THIS INSTANT CAUSE ARE DUE TO THE BIASED, RACIAL MAKE UP OF THIS ORIGINAL ACTION BY THE PROSECUTOR AND DEFENSE COUNSEL CONSPIRING TO CONVICT ALLS (A BLACK MAN) WHO HAD AN AFFAIR WITH A (WHITE WOMAN)

MARTIN WAS A MEMBER OF THAT GROUP ALONG WITH THE PRESIDING JUDGE DALE SEGREST.

ALLS PRESENT THE AFORE GOING FACT AND LAWS TO SUPPORT ~~THE~~ HIS CAUSE AND TO SEEK JUSTICE FROM THIS ILLEGAL CONVICTION AND SENTENCE AND DOES SAY THAT THE TOTAL CASE RECORD WILL UPHOLD HIS CLAIM OF ILLEGAL CONVICTION AND INCARCERATION (KIP, NAP) BY THE PERSONS INVOLVED IN THE ORIGINAL INVESTIGATION ARREST AND CONVICTION OF WHICH MARTIN WAS A PART.

CC. FILE
CC. AIA. APP. CT.
CC. YVONNE SAXON

Respect Fully Submitted
Billy Alls
Billy ALLS pro se

done this 17 day of July 2006